

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Madoff Securities International Limited,

Debtor in Foreign Proceeding.

Case No.: 09-12998
Chapter 15

STEPHEN JOHN AKERS, MARK RICHARD
BYERS, ANDREW LAURENCE HOSKING (Joint
Provisional Liquidators of Madoff Securities
International Limited),

Plaintiffs,

Adv. Pro. No. 09-01186 (CGM)

v.

PETER B. MADOFF.

Defendant.

**ORDER TO SHOW CAUSE WHY THE COURT SHOULD NOT
DISMISS PROCEEDING FOR FAILURE TO PROSECUTE**

On April 14, 2009, Stephen John Akers, Mark Richard Byers, and Andrew Laurence Hosking, serving as the joint provisional liquidators in an English liquidation proceeding as to Madoff Securities International Limited (“MSIL”), filed a Chapter 15 Petition in the United States Bankruptcy Court for the Southern District of Florida. (Order Transferring Adversary Case, ECF No. 26). On May 6, 2009, this adversary proceeding was transferred to this Court. (See *id.*).

WHEREAS, Federal Rule of Bankruptcy Procedure 7041 applies Rule 41 of the Federal Rules of Civil Procedure to this matter, and

WHEREAS, Rule 41(b) provides for the Court to dismiss a case if "the plaintiff fails to prosecute" the case, "to comply with [the Federal Rules Of Civil Procedure] or a court order." (Fed. R. Civ. P. 41(b)), and

WHEREAS, the Court may exercise this power *sua sponte*, (*Pena v. Zazzle Inc.*, 587 F. Supp. 3d 109, 113 (S.D.N.Y. 2022); *113 Martens v. Thomann*, 273 F.3d 159, 179–80 (2d Cir. 2001)), and

WHEREAS, no action has been taken in this adversary proceeding by the Plaintiffs in over fourteen years,

IT IS NOW HEREBY

ORDERED, that Plaintiffs shall appear before the Hon. Cecelia G. Morris, on March 27, 2024, at 11:00 am via ZOOM Gov (CGM) and show cause as to why this Adversary Proceeding should not be dismissed;

ORDERED, that Defendants shall appear before the Hon. Cecelia G. Morris, on March 27, 2024, at 11:00 am via ZOOM Gov (CGM);

ORDERED, that the hearing may not be adjourned without written permission from the Court.

Dated: March 15, 2024
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge